

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THE BLACK & DECKER CORPORATION,  
BLACK & DECKER INC., and BLACK &  
DECKER (U.S.) INC.,

Plaintiffs,

v.

POSITEC USA, INC. and RW DIRECT, INC.,

Defendants.

Case No. 1:11-cv-05426

Judge Robert M. Dow, Jr.  
Magistrate Judge Geraldine Soat Brown

**JOINT STATUS REPORT**

Plaintiffs, The Black & Decker Corporation, Black & Decker, Inc., and Black & Decker (U.S.) Inc. (“Plaintiffs”), and Defendants, Positec USA, Inc. and RW Direct, Inc. (“Defendants”) (collectively, Plaintiffs and Defendants are referred to herein as the “Parties”), jointly submit this Status Report pursuant to the Court’s Order dated July 24, 2018 (Dkt. #299). The Parties have met and conferred and propose the following schedule for the Court’s consideration:

<b>Event</b>	<b>Parties’ Proposed Dates</b>
Plaintiffs’ New Survey Expert Reports	September 21, 2018
Defendants’ New Rebuttal Survey Expert Reports	January 18, 2019
Close of Expert Discovery (and any follow-up fact discovery) <sup>1</sup>	February 28, 2019
Status Hearing	March 5, 2019 at 10:00 a.m., or another date convenient for the Court

---

<sup>1</sup> Per the Court’s July 24, 2018 Order, any party that desires to reopen fact discovery agrees to “file an appropriate motion explaining with specificity what additional fact discovery it wishes to take.” (Dkt. #299.)

Dated: August 9, 2018

/s/ Raymond P. Niro, Jr.

Raymond P. Niro, Jr.  
Matthew G. McAndrews  
Kyle D. Wallenberg  
NIRO McANDREWS, LLC  
200 W. Madison Street, Suite 2040  
Chicago, IL 60606  
(312) 755-8575  
Fax: (312) 674-7481  
[rnirojr@niro-mcandrews.com](mailto:rnirojr@niro-mcandrews.com)  
[mmcandrews@niro-mcandrews.com](mailto:mmcandrews@niro-mcandrews.com)  
[kwallenberg@niro-mcandrews.com](mailto:kwallenberg@niro-mcandrews.com)

*On behalf of Plaintiffs*

Respectfully submitted,

/s/ Gerard M. Donovan

Brian D. Roche  
Jennifer Y. DePriest  
Gerard M. Donovan  
REED SMITH LLP  
10 South Wacker Drive, Suite 4000  
Chicago, Illinois 60606  
Tel: (312) 207-2405  
Fax: (312) 207-6400  
[broche@reedsmith.com](mailto:broche@reedsmith.com)  
[jdepriest@reedsmith.com](mailto:jdepriest@reedsmith.com)  
[gdonovan@reedsmith.com](mailto:gdonovan@reedsmith.com)

*On behalf of Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by ECF on all known parties on this 9<sup>th</sup> day of August, 2018.

/s/ Raymond P. Niro, Jr.  
Raymond P. Niro, Jr.  
Matthew G. McAndrews  
Kyle D. Wallenberg  
NIRO McANDREWS, LLC  
200 W. Madison Street, Suite 2040  
Chicago, IL 60606  
(312) 755-8575  
Fax: (312) 674-7481  
[rnirojr@niro-mcandrews.com](mailto:rnirojr@niro-mcandrews.com)  
[mmcandrews@niro-mcandrews.com](mailto:mmcandrews@niro-mcandrews.com)  
[kwallenberg@niro-mcandrews.com](mailto:kwallenberg@niro-mcandrews.com)

*On behalf of Plaintiffs*